

13548-N

276727

200404027

# Continental®

## B A T T E R I E S

SINCE 1932

February 6, 2004

Federal Motor Carrier Safety Administration  
U.S. Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590

*RSFA-2004-17545-1*

RE: Application For Exemption from a portion of Section 173.159 Batteries, Wet.

Dear Sir:

Continental Battery Company is a distributor of lead-acid batteries in a 1,000 mile radius of Dallas, Texas. The Company uses 35 to 50 trucks to deliver these batteries to various end users. Continental complies with regulations published by the Department of Transportation and generally transports batteries under Section 173.159 of DOT's regulations. The Company has obtained a DOT ID Number - 194390.

The Company ships lead-acid batteries as:

Batteries, Wet, filled with acid - electric storage      UN 2794

Occasionally, the Company will ship motorcycle batteries on the same truck with Batteries, Wet, filled with acid. (Automobile Batteries). Motorcycle batteries are shipped as a "kit" and the acid is in a separate container. This requires a separate UN number for the acid kit.

Battery Fluid, acid      UN 2796

As a result of transporting batteries with two (2) different UN numbers on the same truck, the Company is often cited for violating Section 173.159(E)(1) which states, "No other hazardous materials are transported in the same vehicle".

DOT/RSMA/OPHS  
4 MAR -2 PM 5:41

173.159(E)(1)  
UN 2794  
UN 2796

The requirement of this Rule makes it difficult for the Company to efficiently operate the commercial motor vehicles in delivering lead-acid batteries. The Company has always been able to achieve a level of safety in transporting both types of batteries on the same truck and to transport both UN numbers on the same vehicle does not endanger the public or the environment.

Therefore, Continental Battery Company seeks an exemption for temporary regulatory relief from Section 173.159(E)(1). This exemption will allow Continental Battery Company to implement more efficient and effective operations and would maintain a level of safety equivalent to, or greater than, the level achieved without exemption.

- This exemption would cover all drivers and commercial motor vehicles owned and operated by Continental Battery Company.
- Principal place of business for the motor carrier:

Continental Battery Company  
4919 Woodall Street  
Dallas, Texas 75247

- Telephone Number: 1-214 631-5701
- Contact Person: Jim McCann
- US DOT NUMBER: 194390

Continental Battery Company is aware the Secretary of Transportation has the authority under Section 5117 to exempt a person transporting or causing to be transported, hazardous materials in a way that achieves a safety level:

- At least equal to the safety level required under this chapter.
- Consistent with the public interest and this chapter, if a required safety level does not exist.

#### Safety Analysis:

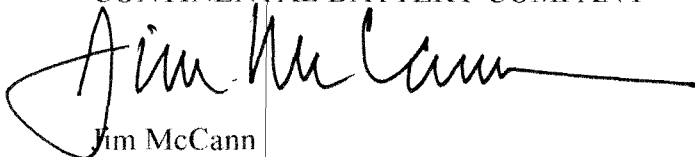
More than 90 million lead-acid batteries are transported over the highways of the United States annually. At approximately 1,000 batteries per truck, this means that in excess of 90 thousand trucks transport these batteries in the US with a very small number of safety incidences.

Transporting lead-acid batteries, containing sulfuric acid as electrolyte, creates no more safety problems for the public and the environment than transporting a combination of lead acid batteries, with the acid in the battery and a motorcycle battery, with the acid in a separate container.

Continental Battery Company seeks this exemption from the Secretary of Transportation for a two year period to enable the Company to provide efficient and effective operation of their commercial motor vehicles.

Sincerely,

CONTINENTAL BATTERY COMPANY

A handwritten signature in black ink, appearing to read "Jim McCann", with a long horizontal flourish extending to the right.

Jim McCann  
President